

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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CITY OF ALMATY, KAZAKHSTAN,  
and BTA BANK

Plaintiffs,

v.

MUKHTAR ABLYAZOV, ILYAS  
KHRAPUNOV, VIKTOR KHRAPUNOV  
and TRIADOU SPV S.A.,

Defendants.

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No. 15-cv-05345 (AJN) (KHP)

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law and Declaration of Matthew L. Schwartz, Crossclaim-Plaintiffs City of Almaty and BTA Bank, by and through their attorneys Boies Schiller Flexner LLP, will move this Court before the Honorable Katharine H. Parker, at the U.S. District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at such date and time the Court sets, for an order pursuant to Federal Rules of Civil Procedure 26 and 37 and the Court's inherent authority sanctioning the defendants Mukhtar Ablyazov, Viktor Khrapunov, Ilyas Khrapunov, and Triadou SPV S.A. for discovery misconduct and spoliation, and granting the City of Almaty and BTA Bank other relief as the Court deems just and proper.

By Order of the Court dated November 26, 2018, the defendants' opposition to this motion is to be filed by January 22, 2019, and the City of Almaty and BTA Bank's reply is to be filed by January 29, 2019. [ECF No. 901 at 22-23.]

Dated: January 8, 2019  
New York, New York

Respectfully submitted,

/s/ Matthew L. Schwartz  
Matthew L. Schwartz

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